IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.4119 of 2004

Date of decision : 12.10.2006.

Joginder Singh.

.....Petitioner.

Versus

Raja Singh & Ors..

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.D.K.Bhatti, Advocate
for the petitioner.

Ms. J.J. Kaur, Advocate
for the respondents.

****

VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 21.4.2004 passed by the learned Civil Judge (Sr.Divn.), Jalandhar vide which issues have been framed to adjudicate the objections of third party to the execution of the decree.

The learned counsel for the petitioner contends that it was not open to the executing Court to frame the issues in the present case as the decree was passed in favour of the petitioner in the year 1996 and, therefore, he cannot be denied the fruit of the said decree.

I have heard the learned counsel for the petitioner and find no force in the contention raised. It is settled law that objections filed by the third party to execution of the decree have to be treated as a civil suit and matter is to be decided after framing the issues and permitting the parties to lead evidence in support thereof. The third party, in view of the provisions

of Order 21 Rules 97 to Rule 101 of the C.P.C. has no right to file a separate suit and is required to raise all objections in the execution application.

In view of what have been stated above, the order impugned has been passed in consonance with the settled law, which does not call for any interference by this Court in the revisional jurisdiction.

Dismissed.

October 12,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**